

PROPOSED REGULATIONS OF THE LOCAL GOVERNMENT

EMPLOYEE-MANAGEMENT RELATIONS BOARD

LCB File No. _____

Section 1. NAC 288.110 is hereby amended to read as follows:

288.070 Elections.

1. All elections conducted in accordance with subsection 4 of NRS 288.160 will be conducted under the supervision of the Board or its agent.

2. Any party may be represented at the election by observers selected in accordance with such limitations as the Board may prescribe.

3. Any observer or the Board's agent conducting the election may challenge for good cause the eligibility of any person to vote in the election. The ballots of challenged persons will be impounded.

4. Upon the conclusion of the election, the ballots will be counted in the presence of the parties or their observers and the Board's agent conducting the election. The agent will furnish parties with a tally of the ballots.

5. Except as otherwise provided in this subsection, the ballots must be kept for at least 6 months after an election, after which period the ballots may be destroyed. If a timely objection to the election is filed with the Board or a petition for judicial review concerning the election is filed in district court, the ballots must be kept until after the conclusion of any Board or court proceeding concerning the election.

6. Provisions may be made for a nonunion vote and for linguistic assistance.

7. ~~If the results are inconclusive, the Board will conduct a runoff election.~~ Subject to subsection 10 below, the employee organization, or nonunion vote option, which receives the majority of the votes cast in an election shall be certified as the exclusive bargaining agent for the employees within the bargaining unit. In any election where there are more than two choices on the ballot and none of the choices receives a majority of the votes cast, a runoff election shall be conducted. The ballot in the runoff election shall contain the two choices on the original ballot that received the largest number of votes. Subject to subsection 10 below, the employee organization which receives the majority of the votes cast in the runoff election shall be certified as the exclusive bargaining agent for the employees within the bargaining unit.

8. Within 5 days after the election, any party may file with the Board objections to the conduct of the election or conduct affecting the results of the election. The objections must be in writing and contain a brief statement of facts upon which the objections are based. A sworn original and four copies of the objections must be signed and filed with the Board. The party filing the objections shall serve a copy upon each of the other parties.

9. If challenges which affect the results of the election or objections raise a substantial question which cannot be resolved without a hearing, the Board may issue and serve notice of a hearing on these issues.

10. An employee organization will be considered the exclusive bargaining agent for employees within a bargaining unit, pursuant to an election, if:

- (a) Challenged ballots are insufficient in number to affect the results;
- (b) No runoff election is to be held;
- (c) No timely objections are filed; and

(d) The election demonstrates that the employee organization is supported by a majority of the employees within the particular bargaining unit [using the standard as mentioned in subsection 7 above.](#)

Below are four proposed alternative subsection 11's for paying for the election:

COST ALTERNATIVE A: EACH UNION PAYS ONE-HALF

[11. The costs related to any election or runoff election shall be equally divided amongst the employee organizations appearing on the ballot. Each party shall advance to the agency one-half of the estimated costs of the election as determined by the Commissioner, unless otherwise exempted from doing so by the Board at the time that the election plan is approved by the Board. At the conclusion of the election the Commissioner shall provide a detailed accounting of the costs incurred and either reimburse the employee organizations for the difference between the amounts advanced and their final share, if the amount of the advance exceeded their final share; or if their final share exceeded the amount of the advance, then the employee organizations shall pay the difference to the agency within 30 days after receipt of the detailed accounting.](#)

COST ALTERNATE B: PETITIONER PAYS

[11. The costs related to any election or runoff election shall be borne by the employee organization petitioning to represent the bargaining unit in question. The employee organization shall advance to the agency the estimated costs of the election as determined by the Commissioner, unless otherwise exempted from doing so by the Board at the time that the election plan is approved by the Board. At the conclusion of the election the Commissioner shall](#)

provide a detailed accounting of the costs incurred and either reimburse the employee organization for the difference between the amounts advanced and its final share, if the amount of the advance exceeded its final share; or if its final share exceeded the amount of the advance, then the employee organization shall pay the difference to the agency within 30 days after receipt of the detailed accounting.

COST ALTERNATE C: WINNER PAYS

11. The costs related to any election or runoff election shall be borne by the employee organization declared to be the exclusive bargaining representative by the Board after the election. At the conclusion of the election the Commissioner shall provide a detailed accounting of the costs incurred. The employee organization shall pay this amount to the agency within 30 days after receipt of the detailed accounting.

COST ALTERNATE D: LOSER PAYS

11. The costs related to any election or runoff election shall be borne by the employee organization declared not to be the exclusive bargaining representative by the Board after the election. At the conclusion of the election the Commissioner shall provide a detailed accounting of the costs incurred. The employee organization shall pay this amount to the agency within 30 days after receipt of the detailed accounting.